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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

COUNTY OF POWELL, a political subdivision of the State of Montana  Plaintiff,  v.  UNITED STATES OF AMERICA,  Defendant.	Cause No.: CV 22-21-H-SEH   <b>JOINT DISCOVERY PLAN</b>
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The parties to this action, through their respective counsel, have conferred to discuss the matters noted in Rule 26(f) of the Federal Rules of Civil Procedure. The parties jointly submit this proposed discovery plan in accordance with Rule 26(f) and Local Rule 16.2(b)(2).

**A. Initial Disclosures.**

The parties agree that they shall serve their initial disclosures, with the information required by Rule 26(a), on or before **August 5, 2022**.

**B. Subjects on which discovery may be needed, discovery deadline, whether discovery should be conducted in phases.**

- a. Subjects of discovery and likely expert testimony:** The parties anticipate that discovery will be needed on issues of fact related to the Plaintiff's claims and Defendant's defenses. The parties agree that this includes, but is not limited to, the status, location, and existence of the subject road; the historical background regarding the subject road, adjacent property, and the Grant-Kohrs Ranch National Historic Site. The parties have identified the following areas of expert testimony that are likely to be used in this case: contents of the public record; history of the subject road, and the location of the subject road, which may include survey work.
- b. Deadline for joinder and amendment:** The parties propose **July 29, 2022**, as the deadline to join additional parties and/or amend the pleadings.
- c. Discovery Deadlines:** The parties propose the following deadlines for the conduct of discovery:

- i. **January 6, 2023:** deadline for Plaintiff's disclosure of experts in accordance with the provisions of Rule 26(a)(2).
    - ii. **February 6, 2023:** deadline for Defendant's disclosure of experts in accordance with the provisions of Rule 26(a)(2).
    - iii. **30 days after service of report rebutted:** deadline for disclosure of rebuttal experts in accordance with the provisions of Rule 26(a)(2).
    - iv. **March 28, 2023:** Close of discovery.
  - d. **Pretrial Motions:** The parties propose **June 30, 2023**, as the deadline for filing all pretrial motions, other than discovery motions, fully briefed.
  - e. **Attorneys' Conference:** The parties propose **August 31, 2023**, as the deadline for the parties' counsel to discuss the Final Pretrial Order.
  - f. **Proposed Pretrial Order:** The parties propose **September 8, 2023**, as the deadline for filing the proposed pretrial order.
  - g. **Phases of Discovery:** The parties do not believe that discovery should be conducted in phases.
- C. **Issues related to disclosure or discovery of electronically stored information.**

The parties are not aware of any present issues regarding the disclosure or discovery of electronically stored information. The parties agree that electronically

stored information should be subject to discovery to the same extent as any other relevant and discoverable information. The parties agree to produce electronically stored information in either native format or in an image file (e.g., .pdf or equivalent).

The parties also agree to take steps to preserve all potentially relevant electronically stored information in its native format, regardless of the format of production. The parties acknowledge their respective duties to preserve all discovery documents, including those stored in electronic media including their obligation to prevent the automated deletion of any such documents.

**D. Issues regarding claims of privilege or of protection as to trial-preparation materials.**

The parties currently do not anticipate that issues regarding claims of privilege or protection will arise, but if they do, the parties will endeavor in good faith to resolve any issues in accordance with Fed. R. Civ. P. 26 and without the need for the Court's involvement.

**E. Changes or limitations on discovery.**

At this time, the parties do not request any changes to the limitations on discovery imposed by the Federal Rules of Civil Procedure or the local rules of the United States District Court for the District of Montana.

**F. Other orders the Court should issue.**

At this time, the parties do not anticipate the need for any orders under Rule 26(c) or under Rule 16(b) or (c) other than the Court's standard orders.

DATED this 23rd day of June, 2022

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2022, I electronically filed the foregoing with the Clerk of Court for the United States District Court for the District of Montana by using the CM/ECF system. I certify that all participants having appeared in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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